BOMBAY ACT No. XXIV OF 1955.[1]

[THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1955.]

[*22nd June 1955*]

An Act further to amend the Indian Forest Act, 1927, in its application to the State of Bombay.

XVI of 1927. WHEREAS it is expedient further to amend the Indian Forest Act, 1927, in its application to the State of Bombay, for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

Short title. **1.** This Act may be called the Indian Forest (Bombay Amendment) Act, 1955.

XVI of 1927. **2.** In section 2 of the Indian Forest Act, 1927 (hereinafter referred to as "the said Act"), in sub-clause (*a*) of clause (4), after the word "kuth" the words ", apta and temburni leaves" shall be inserted. Amendment of section 2 of Act XVI of 1927.

3. In section 28 of the said Act,— Amendment of section 28 of Act XVI of 1927.

(*1*) in sub-section (*1*), after the word "village-community" the words and figures ", village panchayat established under the Bombay Village Panchayats Act, 1933, or co-operative society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925," shall be inserted ; Bom. VI of 1933. Bom. VII of 1925.

(*2*) in sub-section (*2*), after the word "community" the words ", panchayat or society" shall be inserted.

4. In section 35 of the said Act,— Amendment of section 35 of Act XVI of 1927.

(*1*) in sub-section (*3*), after the words "until after the issue" the words "by an officer authorised by the State Government in that behalf" shall be inserted ;

(*2*) after sub-section (*3*), the following sub-sections shall be added, namely :—

"(*4*) A notice to show cause why a notification under sub-section (*1*) should not be made, may require that for any period not exceeding six months, or till the date of the making of a notification, whichever is earlier, the owner of such forest and all persons who are entitled or permitted to do therein any or all of the things specified in clause (*i*) of sub-section (*1*), whether by reason of any right, title or interest or under any licence or contract or otherwise, shall not, after the date of the notice and for the period or until the date aforesaid, as the case may be, do any or all the things specified in clause (*i*) of sub-section (*1*), to the extent specified in the notice.

(*5*) A notice issued under sub-section (*3*) shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908, for the service of summons and shall also be published in the manner prescribed by rules. V of 1908.

(*6*) Any person contravening any requisition made under sub-section (*4*) in a notice to show cause why a notification under sub-section (*1*) should not be made shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both."

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pp. 38-39.

Insertion of new sections 36-A, 36-B and 36-C in Act XVI of 1927.

5. After section 36 of the said Act, the following new sections shall be inserted, namely :—

Manner of serving notice and order under section 36.

"36-A. The notice referred to in sub-section (*1*) of section 36 and the order, if any, made placing a forest under the control of a Forest-officer shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908, for the service of summons. V of 1908.

Period of control.

36-B. (*1*) The period of such control of any forest shall be for ten years from the date of the order aforesaid ; but such period may thereafter be extended for successive periods of not more than ten years each :

Provided that the period of such control shall not in the aggregate exceed 30 years from the date of the order.

(*2*) The Forest-officer, under whose control the forest is placed, shall, not later than six months before the expiry of any period referred to in sub-section (*1*), make a report regarding such control and shall state therein whether in his opinion, any period of control should be extended.

(*3*) After considering any such report and subject to sub-section (*1*), the State Government shall decide whether to extend any period of control or whether to terminate it in the manner provided in the next succeeding section.

(*4*) No period of control shall be extended unless the owner has been given reasonable opportunity of showing cause against such extension.

Termination of control.

36-C. (*1*) If the State Government decides to terminate any period of control of any forest, it shall, by order published in the *Official Gazette* and in such other manner as may be prescribed by rules, so declare ; and thereupon possession of the forest shall be given to the owner, or if the owner be dead, to any person entitled to such possession, together with any sum of money which may be standing to the credit of such owner.

(*2*) All acts done or purported to be done by the Forest-officer in respect of any forest placed under his control, during the period of such control or of any extension thereof, shall be binding on the owner of such forest or any person to whom possession of the forest has been delivered under this section."

Insertion of new section 80-A in Act XVI of 1927.

6. After section 80 of the said Act, the following section shall be inserted, namely :—

Power of Government to apply provisions of this Act to certain lands of Government or local authority.

"80-A. The State Government may, by notification in the *Official Gazette*, declare that any of the provisions of this Act shall apply to all or any lands on the banks of canals or the sides of roads which are the property of the State Government or a local authority and thereupon such provisions shall apply to such lands accordingly."